

marked out 9-3-08

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



1001 I Street, Sacramento, California 95814 • P.O. Box 4025, Sacramento, California 95812-4025 (916) 341-6000 • www.ciwmb.ca.gov

MARGO REID BROWN CHAIR MBROWN@CIWMB.CA.GOV (916) 341-6051

August 29, 2008

Andres Lopez Roberto's Tires 1088 West Base Line Avenue San Bernardino, CA 92411

WESLEY CHESBRO WCHESBRO@CIWMB.CA.GOV (916) 341-6039

RE: STIPULATED DECISION AND ORDER

Dear Mr. Lopez:

Sincerely

Rosalie Mulé rmule@ciwmb.ca.gov (916) 341-6016 The California Integrated Waste Management Board (CIWMB) is in receipt of the CIWMB Stipulation, Decision, and Order, 2008-000019-PEN which you have signed and returned. We appreciate your timely response and your willingness to resolve this issue through this Streamlined Penalty Process. Enclosed you will find the Stipulation, Decision, and Order signed by both the Executive Director and the Board Chair.

CHERYL PEACE CPEACE@CIWMB.CA.GOV (916)341-6010 In the future, should you have any questions or concerns about the waste tire hauler or manifesting requirements, please call our toll free number at (866) 896-0600 so that we can assist you and minimize the potential for future enforcement action.

GARY PETERSEN GPETERSEN@CIWMB.CA.GOV (916) 341-6035 Should you have any questions concerning this Stipulation, Decision, and Order, please call Keith E. Cambridge, Supervisor of the Tire Hauler Compliance Section at (916)341-6422

Ted Rauh, Program Director

Waste Compliance and Mitigation Program





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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD WASTE TIRE HAULER/MANIFESTING VIOLATIONS STIPULATION, DECISION, AND ORDER

Complainant, the California Integrated Waste Management Board and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

CIWMB ENFORCEMENT ORDER NUMBER: 2008-000019-PEN

RESPONDENT:

Roberto's Tire

1088 West Base Line Avenue San Bernardino, CA 92411

PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED: §42951(a)

TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: N/A

DESCRIPTION OF VIOLATIONS:

From January 1 to January 18, 2008, Roberto's Tire, either transported or allowed the transportation of at least 1 load of waste/used tires in vehicles not authorized by the CIWMB to transport waste/used tires. The hauler had not renewed their 2008 registration until January 18, 2008.

Pursuant to 30 PRC §42951(a), every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954.

DATE OF VIOLATION: January 4, 2008

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$250

NUMBER OF COUNTS: 1

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Integrated Waste Management Board resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the Statement of Respondent's Rights at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Integrated Waste Management Board in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CIWMB has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Board Chair signs it.

Dated: 8/14/	Of Signature: andy Lyg
Printed Name: _ Job Title:	ANDRES LOPEZ
Name and Addre Any DBAs:	SS OF Business Entity: BAN POBERIOTRES 1088 U. Baselines 1. BAN BERNARDIND CHROUIT

For California Integrated Waste Management Board Use Only

STATEMENT BY EXECUTIVE DIRECTOR:

I have reviewed the above stipulation and recommend its approval

Dated: 8/27/2008

MARK LEARY, EXECUTIVE DIRECTOR

ORDER OF THE BOARD

The foregoing stipulation has been adopted by the California Integrated Waste Management Board as its final decision and order and is effective upon execution below by the Chair of the California Integrated Waste Management Board.

IT IS SO ORDERED:

Dated: 8/27/08

MARGO REID BROWN, CHAIR

STATE OF CALIFORNIA

APPROVAL TRANSMITTAL

CIWMB 85 (Revised 5/2001)

Reviewer's Signature:

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Phone:

Date:

This transmittal MUST be on all correspondence that are reviewed/approved /signed by Board Chair, Executive Director or Chief Deputy Director

** Please use	the following colored folder	rs: Red Folders for signature - Blu	ue Folder for review **		
Name of Document: Streamlined	Penalty Stipulation	Final Return Letter/And	res Lopez, Roberto's 7	Tires .	
NOTE: I	is the originator's re	sponsibility to enter each 1	reviewer's name and ti	tle.	
ORIGINATOR Nam	ne: Stephen Petty	Division/Section: WC&MP/CEED	Date: 8-28-08	Phone: (916) 341-6691	
ACTION: Please review the attached you are the last or only Reviewer, plea					
1st Reviewer/Division Liaison	Name: Keith C	Name: Keith Cambridge Supervisor/W		aste Tire Hauler Compliance Section	
Comments: Appr	oved	Approved with noted	d changes	Disapproved	
Secretary:					
Reviewer's Signature:		A	(Date: 8/28/0	Phone:341-6422	
Program Director/Waste Complia & Mitigation Program	Name: Ted I	ed Rauh Date Rec'd: Log in ID & Initial:			
Comments: App	proved	Approved with noted	changes	Disapproved	
Secretary: Kelly Westenbarger					
Reviewer's Signature:			Date:	Phone:	
	Name:		Date Rec'd:	Log in ID & Initial:	
Comments: Ap	oproved	Approved with noted	changes	Disapproved	
Secretary:					